

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

REGINALD JOHNSON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION 12-0334-WS-M
)	
RANDALL CHAMPIONS, et al.,)	
)	
Defendants.)	

ORDER

The plaintiffs have filed a document styled, “Leave for this Court to Determine if the Parties to this Litigation excluding Officer Randal Champion, violated the below listed U.S.C. Codes and the Codes of Alabama,” (Doc. 113), which the Court construes as a motion for partial summary judgment under Rule 56.

The Rule 16(b) scheduling order established a deadline for filing dispositive motions of October 18, 2013. (Doc. 39 at 5). The instant motion was filed on October 21, 2013 and therefore after the deadline for such motions had passed.

“A schedule [established under Rule 16(b)] may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “This good cause standard precludes modification unless the schedule could not ‘be met despite the diligence of the party seeking the extension.’” *Sosa v. Airprint Systems, Inc.*, 133 F.3d 1417, 1418 (11th Cir. 1998). Here, the plaintiffs have neither sought an extension of time nor demonstrated the existence of good cause for their tardiness. Since the plaintiffs filed a motion for partial summary judgment before the October 18 deadline, (Doc. 97), it is clear that they could also have filed the instant motion by that deadline had they exercised appropriate diligence.

For the reasons set forth above, the plaintiff's motion is **denied**.

DONE and ORDERED this 23rd day of October, 2013.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE